

LICENSING AND CERTIFICATION TESTS

1. INTRODUCTION

a. **Purpose.** This appendix provides VA's internal implementing instructions for the licensing and certification test benefit described in paragraph 9 of the basic circular. Section 122 of Public Law 106-419 established this new benefit.

b. Terminology

(1) A licensing test is a test offered by a State, local, or federal agency which is required by law to practice an occupation. Some States may refer to such tests as "certification" tests.

(2) A certification test is a test designed to provide an affirmation of an individual's qualifications in a specified occupation. Certification is not required to practice an occupation except where the occupational licensing requirements include certification as part of those requirements.

(3) RPOs (Regional Processing Offices) refer to the four VA regional offices (Atlanta, Buffalo, Muskogee, and St. Louis) that process education benefit claims.

(4) ELR (Education Liaison Representative) refers to the VA person at each regional office (or in some instances at the RPO) who is responsible for maintaining liaison with facilities approved for VA benefits.

(5) SAAs (State Approving Agencies) are agencies in each State authorized by title 38, chapter 36, to approve courses for veterans and other eligible persons.

(6) LACAS (Licensing and Certification Approval System) is a web-based database application for licensing and certification approvals. When fully developed, it will provide service to SAAs, ELRs, VA claims processors, organizations requesting approval, and the general public. LACAS is available on the Internet at <https://www.gibill.va.gov/lac>. This site will contain a User's Guide.

(7) "Organization offering a test" refers to an organization that offers the test and will issue the license or certification. It is the organization that "owns" a test and not the organization that merely administers or proctors a test.

c. Summary of Legislation

(1) Affected Programs: The new licensing and certification test benefit is payable under chapters 30, 32, and 35 of title 38, and section 903 of PL 96-342. This benefit is not payable under chapter 1606 of title 10. This benefit is payable only for the cost of tests and not other related expenses.

(2) Maximum Payment: The maximum payment per test is \$2,000. There is no limitation on the number of tests that may be taken except that an individual may not exceed his or her maximum entitlement.

**Approval Requirements
for Organizations Offering Certification Tests
(38 U.S.C. 3689)**

Your certification test or tests can be approved for VA benefits only if you can certify that the following statements are true.

(1) Your certification test or test are generally accepted, in accordance with relevant government, business, or industry standards, employment policies, or hiring practices as attesting to a level of knowledge or skill required to enter into, maintain or advance in employment in particular vocation or profession.

(2) Your organization is licensed, chartered, or incorporated in a State and has offered such tests for a minimum of 2 years before the date on which you sign this application.

(3) Your organization employs, or consults with, individuals with expertise or substantial experience with respect to all areas of knowledge or skill that are measured by the test and that are required for the license or certificate issued.

(4) Your organization has no direct financial interest in--

(i) the outcome of a test; or

(ii) organizations that provide the education or training of candidates for licenses or certificates required for vocations or professions.

The second rule only applies if your certification is "required" by law for vocations or professions. If your certification is required for employment and your organization provides training to obtain the certification or your organization owns or partly owns an organization that provides such training, then you would not meet this requirement.

(5) Your organization maintains appropriate records with respect to all candidates who take such a test for a period prescribed by VA, but in no case for a period of less than 3 years.

(6)(i) Your organization promptly issues notice of the results of the test to the candidate for the license or certificate.

(ii) Your organization has in place a process to review complaints submitted against the organization with respect to a test your organization offers or the process for obtaining a license or certificate required for vocations or professions.

NOTE: VA recognizes that "promptly" varies because of a variety of circumstances. Also, the review process doesn't necessarily have to be in writing.

Figure C.06. Required Certifications from Organization (Certification Tests)

(7) Your organization will furnish VA the details of individual tests upon request including personal identifying information, fee payment, and test results. Such information shall be furnished in the form prescribed by VA and may include submission by paper, email, or other electronic means.

NOTE: VA may ask you about particular individuals as claims are received. If your organization requires the individual to authorize release of this data, VA will obtain such authorization.

(8) Upon request, your organization will make all appropriate records pertaining to the test data of veterans or other eligible person under title 38, United States Code, available for examination by VA or its representatives.

Figure C.06, Continued. Required Certifications from Organization (Certification Tests)